

Delta Stewardship Council
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Report to December Council on Federal Drought Relief Bills

Good morning, Councilmembers:

Today I will be providing a brief update on California drought relief legislation in Congress.

Congress has been working on various iterations of a California drought relief bill for the majority of 2014. The latest version is HR 5781, the “California Emergency Drought Relief Act of 2014,” which passed the House of Representatives on December 9th.

Summary of HR 5781

HR 5781 authorizes the Secretary of the Interior to “maximize” water deliveries from the Central Valley Project and the State Water Project through various emergency projects.

- I. First, HR 5781 authorizes the Secretary of the Interior and Secretary of Commerce to approve projects to provide additional water supplies for the Central Valley Project and State Water Project, unless the proposed project does so in a “highly inefficient” way.
- II. Second, HR 5781 authorizes 28 flex days during the water year when south-Delta pumping may create excessive reverse flows on the Old and Middle Sacramento Rivers. Currently, biological opinions under the Endangered Species Act prohibit reverse flows on the Old and Middle Rivers that are greater than 5,000 cfs. These 28 flex days, during which negative flows would be 7,500 cfs, could be used only when the main Sacramento River is swollen and flowing at 17,000 cfs or higher.
- III. Title II of the Act directs the Secretary of the Interior to adhere to California’s water rights laws and honor more senior water rights.

Having outlined the bill, I wanted to spend a few moments summarizing its political context.

Senator Feinstein was working behind closed doors with House Republicans to develop a drought relief bill that could pass both the House and Senate. On November 21, Feinstein ended the negotiations for this year, expressing her desire to continue the effort in 2015.

Lead negotiator for the Republicans, California Congressman Devin Nunes of Tulare, also expressed his desire to continue working with Feinstein in 2015. In the meantime, he and fellow House Republicans pushed ahead with their own bill. HR 5781, which just passed the House, was developed without Feinstein. Republicans tried to attach HR 5781 to the spending bill last week but were unsuccessful.

The President indicated that he would have vetoed HR 5781 should it have reached his desk.

Governor Brown’s administration has also opposed the bill, implying that it would reignite water wars in California.